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7 Attorney for Alexander Scott Derringer

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ALEXANDER SCOTT DERRINGER,

14 Defendant.

Case No. 2:23-cr-00039-JCM-NJK

**STIPULATION TO CONTINUE
MOTION DEADLINES AND
TRIAL DATES**
(Second Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
17 United States Attorney, and Supriya Prasad, Assistant United States Attorney, counsel for the
18 United States of America, and Rene L. Valladares, Federal Public Defender, and Nisha Brooks-
19 Whittington, Assistant Federal Public Defender, counsel for Alexander Scott Derringer, that
20 the calendar call currently scheduled for August 2, 2023 at 1:30 p.m., and the trial scheduled
21 for August 7, 2023 at 9:00 a.m., be vacated and set to a date and time convenient to this Court,
22 but no sooner than one hundred twenty (120) days.

23 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to
24 and including October 26, 2023, to file any and all pretrial motions and notices of defense.

25 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
26 shall have to and including November 9, 2023, to file any and all responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they
2 shall have to and including November 16, 2023, to file any and all replies to dispositive motions.

3 The Stipulation is entered into for the following reasons:

4 1. Counsel for the defendant needs additional time to review the discovery,
5 investigate the charge, determine whether any pretrial motions should be filed, and discuss
6 possible defenses with her client.

7 2. The defendant is not incarcerated and does not object to the continuance.

8 3. The parties agree to the continuance.

9 4. The additional time requested herein is not sought for purposes of delay, but
10 merely to allow counsel for defendant sufficient time within which to be able to effectively and
11 completely investigate the discovery materials provided.

12 5. Additionally, denial of this request for continuance could result in a miscarriage
13 of justice. The additional time requested by this Stipulation is excludable in computing the time
14 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
15 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
16 Section 3161(h)(7)(B)(i), (iv).

17 This is the second stipulation to continue filed herein.

18 DATED this 28th day of June 2023.

19 RENE L. VALLADARES
20 Federal Public Defender

JASON M. FRIERSON
United States Attorney

21 */s/ Nisha Brooks-Whittington*
22 By _____
23 NISHA BROOKS-WHITTINGTON
Assistant Federal Public Defender

24 */s/ Supriya Prasad*
25 By _____
26 SUPRIYA PRASAD
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

ALEXANDER SCOTT DERRINGER,

Defendant.

Case No. 2:23-cr-00039-JCM-NJK

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to review the discovery, investigate the charge, determine whether any pretrial motions should be filed, and discuss possible defenses with her client.

2. The defendant is not incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and completely investigate the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including October 26, 2023, to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including November 9, 2023, to file any all responses.

IT IS FURTHER ORDERED that the parties shall have to and including November 16, 2023, to file any and all replies.

IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by **Calendar Call**.

IT IS FURTHER ORDERED that the calendar call currently scheduled for August 2, 2023, at 9:00 a.m., be vacated and continued to **January 3, 2024, at 1:30 p.m.**; and the trial currently scheduled for August 7, 2023, at 9:00 a.m., be vacated and continued to **January 8, 2024, at 9:00 a.m.**

DATED June 30, 2023.

Xem C. Mahan
UNITED STATES DISTRICT JUDGE